

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

201

CRM-M-34103 of 2016

Date of Decision: April 24, 2017

Parth Sharma

....Petitioner

vs.

State of Haryana

....Respondent

2. CRM-M-35619 of 2016

Jatinder Pal Singh

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Karanvir Singh Khehar, Advocate
for the petitioner in CRM-M-34103 of 2016 and
Mr. R. N. Lohan, Advocate
for the petitioner in CRM-M-35619 of 2016.

Mr. C.S. Bakshi, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of **CRM-M-34103 of 2016**
(Parth Sharma vs. State of Haryana) and **CRM-M-35619 of 2016**
(Jatinder Pal Singh vs. State of Haryana) as both these petitions
have been preferred under Section 438 Cr.P.C. seeking
concession of pre-arrest bail in FIR No.76 dated 03.08.2016 under
Sections 272, 273, 420, 467, 468, 471 and 120-B of the Indian Penal
code read with Section 61 of the Punjab Excise Act, registered at
Police Station Panjokhra, District Ambala.

Briefly noticed that the FIR came to be registered on the basis of secret information and against the allegations that the present petitioners along with other co-accused were engaged in the smuggling of liquor and were also indulging in filling up spurious liquor in the empty bottles of superior quality liquor and thereafter fixing seals as also different labels of good quality liquors on the bottles.

On 24.09.2016, while issuing notice of motion, the following order was passed by this Court in CRM-M-34103 of 2016:-

“Learned counsel for the petitioner states that the recovery was never effected from the petitioner, rather, it was effected from co-accused Gurvinder Singh.

Notice of motion for 30.11.2016.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Likewise notice of motion order dated 04.10.2016 in CRM-M-35619 of 2016 reads in the following terms:-

*“Learned counsel for the petitioner states that no recovery was effected from the petitioner and the co-accused, namely, Parth Sharma has already been granted interim bail by this Court vide order dated 24.9.2016 passed in **CRM-M-34103 of 2016** titled as **Parth Sharma Versus State of Haryana.***

Notice of motion for 30.11.2016.

Interim in the same terms.

To be heard along with CRM-M-34103 of 2016.”

Learned State counsel upon instructions from ASI Rakesh Kumar would apprise the Court that the petitioners in both these connected petitions have since joined investigation.

That apart, it has gone un-controverted that the recovery of the spurious liquor has been affected from co-accused/non-applicant Gurvinder Singh and not the petitioners herein.

Under such circumstances, custodial interrogation of the petitioners would not be warranted as they have already joined investigation.

Accordingly, prayer made in both these petitions is accepted. Order dated 24.09.2016, passed by this Court in CRM-M-34103 of 2016 and order dated 04.10.2016 passed in CRM-M-35619 of 2016, are made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.04.2017
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Whether speaking/reasoned : ***Yes***
Whether reportable : ***No***